

REMARKS

Claims 1, 4, 5, 12 and 13 are pending in this application. By this Amendment, independent claim 1 is amended. Support for the amendments can be found, for example, on page 12, lines 4-10 of the specification. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicant's representative by Examiner Rost and Examiner Rivell at the interview held August 3, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

The Office Action rejects claims 1, 4, 5, 12 and 13 under 35 U.S.C. §102(b) over U.S. Patent No. 5,733,441 to Ko et al. (Ko), in view of U.S. Patent No. 2,513,795 to Gliss. The rejection is respectfully traversed.

As discussed during the interview, the combination of Ko and Gliss would not have rendered obvious a fluid supply device in which a filter accuracy of a second filter means is lower than a filter accuracy of a first filter means so that the second filter means filters foreign matter that has passed through the first filter means but has agglomerated in a flexible portion, as recited in independent claim 1.

The Office Action acknowledges that "Ko et al. do not expressly disclose the filter accuracy of the second filter to be lower than the filter accuracy of the first filter," but cites Gliss as allegedly overcoming the deficiency. As discussed during the interview, the claim features are patentable over the combination of Ko and Gliss for at least the following reasons.

First, the motivation provided for combining the references is flawed. When Gliss refers to creating "back pressure" to support the fine straining screen 40, Gliss is describing how the backing plate 42 and passages 43-43 provide structural support for the fine straining screen 40. Ko does not disclose that there is any need for the downstream filter to create "back pressure" within the line or to provide structural support for the upstream filter. It is unclear how it would even be possible to modify the structure of Ko such that the downstream filter 18 would provide structural support for the upstream filter 13. Further, Ko does not disclose that there is any problem with foreign matter agglomerating in the first bellows tube 16a (allegedly corresponding to the claimed flexible portion). In this regard, the Office Action relies on impermissible hindsight in asserting that the combination of Ko and Gliss would have rendered obvious the claim features. Therefore, one of ordinary skill in the art would not have predictably modified Ko with the teachings of Gliss in the manner suggested by the Office Action.

Second, the passages 43-43 of Gliss do not function as a filter and cannot reasonably be considered as corresponding to the claimed second filter. Gliss explicitly discloses that the fine straining screen 40 strains out all oversized particles not caught by the medium screen 50 (see col. 3, lines 45-47). Any plastic material would merely pass through the passages 43-43 in Fig. 1 of Gliss and would not be further filtered by the passages 43-43. As such, the passages 43-43 do not correspond to the claimed second filter means. The combination of Ko and Gliss fails to disclose the features of independent claim 1 and the resulting benefits.

During the interview, the Examiners agreed that amending independent claim 1 in the above manner would overcome the rejection. Therefore, independent claim 1 is patentable over the combination of Ko and Gliss. Dependent claims 4, 5, 12 and 13 also are patentable over the combination of Ko and Gliss at least based on their dependency from claim 1, as well as for the additional features that these claims recite. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4, 5, 12 and 13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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